

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ELMORE NICHOLS, JR.,

Petitioner,

vs.

JAMES H. DeLOACH, and the
ATTORNEY GENERAL OF THE STATE
OF ALABAMA,

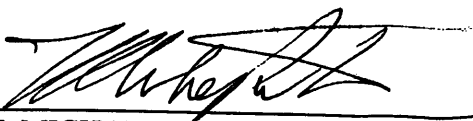
Respondents.

Case No. 2:05-cv-2112-KOB-TMP

ORDER

The petitioner has filed a motion seeking an order to compel the respondents to return to him certain legal materials confiscated from him on December 8, 2005. Petitioner appears to allege that the confiscation of his legal documents included legal research directly relevant to this habeas action and that the confiscation is hindering his ability to prosecute the action. Respondents are ORDERED to show cause, within fifteen (15) days, why the motion should not be granted.

DONE this the 19th day of December, 2005.



T. MICHAEL PUTNAM
U.S. MAGISTRATE JUDGE

CIVIL ACTION NO.
2:05-CV-2112-KOB-TMP

2. On December 19, 2005, the Court issued an *Order to Show Cause* directing DeLoach to address this allegation.

3. Attached is a letter obtained by DeLoach from Elmore Nichols on December 21, 2005 (*see attached*), wherein Nichols states that the materials which he previously claimed had been confiscated have since been returned to him.

WHEREFORE, PREMISES CONSIDERED, Respondent DeLoach respectfully requests that the Magistrate Judge:

- 1) deny Nichols's *Motion for Production of Documents* and *Motion to Compel*; and,
- 2) grant to him (DeLoach) any other relief which may under the circumstances be appropriate.

Respectfully submitted,

Troy King (KIN047)
Attorney General
By:

/s/ Stephen N. Dodd
Stephen N. Dodd
Assistant Attorney General
ID #ASB-6492

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Elmore Nichols, Jr., AIS #1 29913, 200 Wallace Drive, Clio, AL 36017.

s/ Stephen N. Dodd
Stephen N. Dodd (ASB-6492)
Assistant Attorney General
Attorney for Respondents
Alabama Attorney General's Office
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93749/86598-001



Bob Riley
Governor

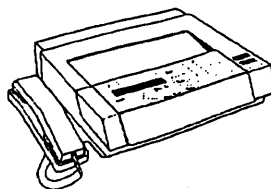
STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS

EASTERLING CORRECTIONAL FACILITY
200 WALLACE DRIVE
Clio, Alabama 36017-2615
334-397-4471



Donal Campbell
Commissioner

FAX



MEMORANDUM

TO: Steve Dodd 242-2848
FROM: Warden Davenport
DATE: 12-21-05
REF: Elmore Nichols 129913
PAGES: 2 (Including Cover)

COMMENTS: If you need further information, contact
Warden Davenport @ 397-4471 ext 206

CONFIDENTIAL WARNING: This document is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law.

December 21, 2005

DEC 21 2005

To Whom It May Concern :

On or about December 8, 2005, legal documents were confiscated from the inmate law clerk belonging to me, Elmore Nichols, Jr. On December 19, 2005, these documents was returned back to me. I presently retain all of my personal legal documents.

Elmore Nichols
124913